

REMARKS

This Amendment is filed in response to the Office Action of October 2, 2008. Reconsideration of the subject application as amended herein is respectfully requested for the reasons discussed below.

Briefly, the present application pertains to an anchoring device for providing ligamentary like support between two spaced locations in the body of a patient. The device comprises a head and a base where the head includes a plurality of prongs. The prongs are preferably tapered with points at the ends. This design is beneficial for securing the device in soft tissue.

The base includes an aperture which allows a filament to be strung between multiple devices. The aperture also includes a locking member which allows the filament to pass in only one direction.

I. Claim Rejections – 35 USC § 102

All of pending claims 17-33 have been rejected under 35 U.S.C. § 102. Claim 17, the only remaining independent claim, has been amended to include subject matter previously contained in claims 29-31. In view of the amendment to claim 17, claim 30 is being amended and claims 29 and 31 are being canceled. New dependent claim 52 has been added.

A. Claims 17-26, 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Goble et al. (US 5,702,397)

Claims 17-26 and 28 have been rejected by the Examiner pursuant to 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,702,397 to Goble et al.

("Goble"). Goble discloses a bone anchor and method for its use. The bone anchor of Goble is tubular in shape with a screw-like exterior. See Goble, Fig. 10. Both ends of the tubular bone anchor are open and a filament is thread through the center. See Goble, Fig. 14. The hole in the bone in which the bone anchor is inserted must be drilled. See Goble, Fig. 6. The bone anchor is held in place by the screw-like exterior, which fits the bone much like a conventional screw.

The present invention as defined in the pending claims is distinct. The present invention comprises a head and a base. Attached to the head are a plurality of prongs, which are preferably tapered with a point at one end. The purpose of the invention is to attach the device to tissue as opposed to attaching to bone. Therefore, the present invention preferably employs a head of a closed shape and prongs, tapered with points on the ends.

Goble is open at both ends and therefore does not include a head. Further Goble does not disclose prongs that are tapered and certainly not prongs with points at their ends. Therefore, Goble does not anticipate pending claims 17-26 and 28 and Applicants respectfully request withdrawal of the current rejection.

B. Claims 17-20 and 23-33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Colleran et al. (US 2003/0088250)

Claims 17-20 and 23-33 have been rejected under 35 U.S.C. § 103(e) as being anticipated by U.S. Pat. Publication No. 2003/0088250 to Colleran et al. ("Colleran"). Colleran discloses a bone anchor system for tissue repair which

includes "an anchor body configured to be retained within bone and to selectively restrict movement of a flexible member coupled to the bone anchor" (Colleran ¶ 3). The disclosure of Colleran does not include prongs, where the prongs are of a tapered configuration or where the outer end of the prongs are pointed.

The present invention, as defined in claims 17 and 32, requires the prongs to be tapered and pointed respectively. None of the wings of any of the embodiments of Colleran are either tapered or pointed. Specifically, the wings disclosed in Fig. 4A of Colleran are not tapered and do not contain points. The "wings" of Colleran terminate in circumferential "edge[s]... for digging into bone tissue to resist withdrawal of anchor 200 from the bone." (Colleran ¶ 58). These edges are not the points of claim 32.

Since these two elements are not disclosed in Colleran, Colleran does not anticipate any of the pending claims. Applicants therefore respectfully request withdrawal of the rejection on Colleran.

II. Conclusion

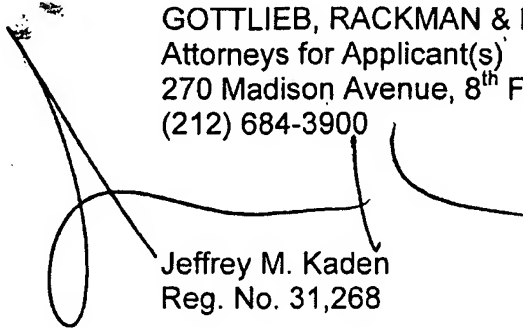
The above amendments and arguments are submitted in response to the pending Final Rejection. All of the amendments to independent claim 17 involve subject matter previously submitted in dependent form. Therefore it is respectfully submitted that no new search is necessary and the amendment is in proper form.

Neither the tapered aspect nor the pointed aspect of the prongs of the present invention are described in the prior art. Accordingly, it is respectfully

submitted that the subject application is patentably distinguishable over the prior art of record and should therefore be allowed.

Respectfully submitted,

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